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10 Attorneys for Shellpoint Mortgage Servicing

11 **UNITED STATES BANKRUPTCY COURT**

12 **DISTRICT OF NEVADA**

13 In re  
14 SCHULTE PROPERTIES LLC,  
15 Debtor.

Case No. 18-12734-mkn

Chapter 11

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28 **AMENDED NOTICE OF HEARING ON  
SHELLPOINT MORTGAGE  
SERVICING'S MOTION FOR  
PROTECTIVE ORDER OR, IN THE  
ALTERNATIVE, MOTION FOR  
MODIFICAION OF SUBPOENA [FED.  
R. CIV. PROC. 26(c); FED R. BANKR.  
PROC. 7026; LBR 7037]**

**Hearing:**

Date: July 28, 2021  
Time: 9:30 am  
Judge: Honorable Mike K. Nakagawa  
Courtroom:2

Pursuant to Federal Rule of Civil Procedure 26(c), adopted by Bankruptcy Rule of Civil Procedure 7026, *Creditor* Shellpoint Mortgage Servicing ("Shellpoint") hereby provides this *Amended Notice of Hearing* on the Motion for Protective Order pursuant to Fed. R. Civ. P. 26(c)

1 and Memorandum of Points and Authorities in support thereof filed on June 11, 2021 at Docket  
2 No. 862.

3 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

4 The above captioned hearing on the Motion is scheduled for July 28, 2021 at 9:30am before  
5 the Honorable Mike K. Nakagawa at the U.S. Bankruptcy Court for the District of Nevada – Las  
6 Vegas Division.

7 **PLEASE TAKE NOTICE** that Creditor Shellpoint Mortgage Servicing (“Shellpoint”)  
8 hereby moves this Court pursuant to Federal Rules of Civil Procedure, Rule 26(b)(2)(C)(i) and  
9 26(c) adopted by Bankruptcy Rule of Civil Procedure 7026, for a protective order against the  
10 Debtor, Schulte Properties, LLC’s (“Debtor”) *Subpoena Duces Tecum* (“Subpoena”), which seeks  
11 production of documents from Shellpoint.

12 The Motion is made on the grounds that documents Debtor requests were either: (i) already  
13 produced by Shellpoint; (ii) equally available to Debtor; or (iii) objectionable as outlined in  
14 Shellpoint’s Responses to the original production requests. To the extent Debtor was dissatisfied  
15 with Shellpoint’s Responses to the production requests, Debtor failed to meet and confer regarding  
16 the Responses, file a motion to compel seeking additional production, or request a ruling on  
17 Shellpoint’s objections to the discovery requests. In the meantime, the discovery period expired.  
18 Debtor now seeks the same documents from Shellpoint. Debtor’s continued pursuit of said  
19 documents is inappropriate, burdensome, and an abuse of the judicial process.

20 Based on the foregoing, Shellpoint requests the Court issue a protective order preventing  
21 Debtor from continuing its pursuit of: (1) documents already produced by Shellpoint; (2)  
22 documents already in the Debtor’s possession, or equally available to the Debtor; (3) irrelevant  
23 documents that are not the subject of a current contested matter between the Parties; (4) privileged,  
24 proprietary, or confidential documents of Shellpoint, which are irrelevant to a contested matter;  
25 (5) and any other discovery not based on Shellpoint’s pending Plan Objection.

26 Shellpoint attempted to circumvent the need to file the present Motion by sending a meet  
27 and confer letter to Debtor’s counsel. Shellpoint advised Debtor it intended to file the instant  
28 Motion for Protective Order absent the withdrawal of the Subpoena. To date, Debtor has yet to

1 withdraw the Subpoena. Based upon the foregoing, Shellpoint had no choice but to seek protection  
2 from the Court.

3 This Motion is based on this Notice of Motion and Motion, the Declaration of Eddie R.  
4 Jimenez, the accompanying Memorandum of Points and Authorities, and the pleadings and papers  
5 on file in this action.

6 **PLEASE ALSO TAKE NOTICE** that the above captioned hearing on the Motion is  
7 scheduled for July 28, 2021 at 9:30am before the Honorable Mike K. Nakagawa at the U.S.  
8 Bankruptcy Court for the District of Nevada – Las Vegas Division.

9 **PLEASE ALSO TAKE NOTICE** that unless the Court orders otherwise, any party  
10 opposing this Motion must file and serve any objections or oppositions no later than fourteen (14)  
11 days preceding the hearing date for the Motion in accordance with LR 9014(d). The opposition  
12 must set forth all relevant facts and any relevant legal authority. An opposition must be supported  
13 by affidavits or declarations that conform to the provisions of LR 9014(c).

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15 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
16 pleading with the court. You *must* also serve your written response on the person who  
17 sent you this notice.

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19 If you do not file a written response with the court, or if you do not serve your written  
20 response on the person who sent you this notice, then:

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- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

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23 **ALDRIDGE PITE, LLP**

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Dated: July 1, 2021

/s/ Eddie R. Jimenez

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EDDIE R. JIMENEZ

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17 Attorneys for Shellpoint Mortgage Servicing

18 **UNITED STATES BANKRUPTCY COURT**

19 **DISTRICT OF NEVADA**

20 In re  
21 SCHULTE PROPERTIES LLC,  
22 Debtor.

23 Bankruptcy Case No. 18-12734-mkn  
24 Chapter 11

25 **CERTIFICATE OF SERVICE**

26  
27 I, Lauren Timby declare that:

28 I am employed by Aldridge Pite, LLP. My business address is: 4375 Jutland Drive, Suite  
1. 200; P.O. Box 17933, San Diego, CA 92177-0933. I am over the age of eighteen years and not a  
party to this cause.

2. On July 1, 2021, I caused the AMENDED NOTICE OF HEARING ON SHELLPOINT  
3. MORTGAGE SERVICING'S MOTION FOR PROTECTIVE ORDER OR, IN THE  
4. ALTERNATIVE, MOTION FOR MODIFICATION OF SUBPOENA [FED. R. CIV. PROC.  
5. 26(c); FED R. BANKR. PROC. 7026; LBR 7037] to be served on the parties listed herein via  
6. electronic means through the Court's CM/ECF system or by placing a copy thereof enclosed in a  
7. sealed envelope with postage thereon fully prepaid in the United States Mail, addressed as  
8. follows:  
9.

1  
2 Schulte Properties LLC  
3 9811 W. Charleston Blvd Ste 2-351  
4 Las Vegas, NV 89117

Matthew L. Johnson  
Johnson & Gubler, P.C.  
8831 West Sahara Avenue  
Las Vegas, NV 89117  
annabelle@mjohnsonlaw.com

5 U.S. Trustee  
6 Department of Justice  
7 300 Las Vegas Boulevard, SO.  
8 Suite 4300 Las Vegas, NV 89101  
9 USTPRegion17.LV. ECF@usdoj.gov

10 /s/ Lauren Timby

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